

POLICY 5006
DISCIPLINE POLICY: SUSPENSION AND EXPULSION
2011-2012 2012-2013

THE INTENT OF THIS POLICY IS TO PROVIDE FOR THE MAINTENANCE OF A SAFE, ORDERLY AND PEACEFUL EDUCATIONAL ENVIRONMENT FOR ALL STUDENTS AND TO ALIGN WITH ZERO-TOLERANCE LEGISLATION AND STATUTORY REQUIREMENTS.

THIS POLICY, ITS RULES, AND PROCEDURES SHALL APPLY TO ALL ACTIVITIES OCCURRING ON SCHOOL GROUNDS, ON OTHER SITES BEING USED FOR SCHOOL ACTIVITIES, AND IN ANY VEHICLE AUTHORIZED FOR THE TRANSPORTING OF STUDENTS. FURTHER, THIS POLICY, ITS RULES AND PROCEDURES SHALL ALSO APPLY TO ALL SCHOOL-AUTHORIZED FUNCTIONS AND/OR ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, FIELD TRIPS, ATHLETIC EVENTS, AND CLUB ACTIVITIES. THIS POLICY SHALL BE APPLIED EQUALLY TO ALL STUDENTS WITHOUT DISCRIMINATION BASED ON ECONOMIC STATUS, RACE, RELIGION, NATIONAL ORIGIN, SEXUAL ORIENTATION, ETHNICITY OR DISABILITY (FOR STUDENTS WITH DISABILITIES ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT [IDEA] OR SECTION 504, THERE ARE ADDITIONAL RIGHTS THAT MUST BE APPLIED).

ALL STUDENTS HAVE A RIGHT TO A HIGH-QUALITY EDUCATION. AS SUCH, SCHOOL DISCIPLINARY MEASURES SHOULD NOT BE USED TO EXCLUDE STUDENTS FROM SCHOOL OR OTHERWISE DEPRIVE THEM OF SUCH AN EDUCATION, UNLESS IT IS NECESSARY TO PRESERVE THE SAFETY OF STUDENTS AND STAFF.

THE DISTRICT WILL MAKE EVERY REASONABLE EFFORT TO CORRECT STUDENT MISBEHAVIOR THROUGH SCHOOL-BASED RESOURCES AT THE LOWEST POSSIBLE LEVEL, AND TO SUPPORT STUDENTS IN LEARNING THE SKILLS NECESSARY TO ENHANCE A POSITIVE SCHOOL ENVIRONMENT AND AVOID NEGATIVE BEHAVIOR. THE VAST MAJORITY OF DISCIPLINARY ISSUES SHOULD BE ADDRESSED AT THE CLASSROOM LEVEL BY TEACHERS. IN ALL INSTANCES, SCHOOL DISCIPLINE SHOULD BE REASONABLE, TIMELY, FAIR, AGE-APPROPRIATE, AND SHOULD MATCH THE SEVERITY OF THE STUDENT'S MISBEHAVIOR. ANY DISCIPLINARY OR PROSECUTORIAL ACTION TAKEN AGAINST A STUDENT WHO VIOLATES THIS POLICY MUST BE BASED ON PARTICULAR CIRCUMSTANCES OF THE STUDENT'S MISCONDUCT.

THE DISCIPLINE MATRIX, ATTACHED AS APPENDIX A TO POLICY 5.8, CODE OF STUDENT CONDUCT, IS HEREBY INCORPORATED INTO AND MADE PART OF THIS POLICY. THE DISCIPLINE MATRIX SETS FORTH THE GUIDELINES FOR ASSIGNING CONSEQUENCES FOR VIOLATIONS OF SCHOOL BOARD POLICIES. SCHOOL PRINCIPALS HAVE THE DISCRETION TO DEVIATE FROM THESE GUIDELINES BY ASSESSING AN APPROPRIATE CONSEQUENCE OTHER THAN STATED IN THE DISCIPLINE MATRIX IF HE OR SHE DETERMINES IN HIS OR HER SOLE DISCRETION THAT THERE ARE MITIGATING OR AGGRAVATING CIRCUMSTANCES.

STUDENTS ELIGIBLE FOR PUBLIC-SUPPORTED EDUCATION IN THE BROWARD COUNTY PUBLIC SCHOOL SYSTEM SHALL NOT BE SUSPENDED OR EXPELLED FROM SCHOOL FOR DISCIPLINARY REASONS FOR ANY PERIOD UNLESS SUCH STUDENT IS PROVIDED AN OPPORTUNITY FOR A STUDENT CONFERENCE/HEARING PURSUANT TO RULES OF THE SCHOOL BOARD. STUDENTS WHO ARE IDEA AND SECTION 504 ELIGIBLE HAVE SUPPLEMENTAL RIGHTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AND STATE BOARD RULE.

ALL STEPS NECESSARY TO PROTECT THE VICTIM, OF ANY ACTS SET FORTH IN THIS POLICY, FROM FURTHER VICTIMIZATION WILL BE TAKEN. WITH INFRACTIONS THAT REQUIRE MANDATORY EXPULSION (SEE SECTION V), OR INVOLVE SERIOUS, REPEATED ACTS OF BULLYING, SUCH ACTIONS MAY INCLUDE ASSIGNMENT OF THE STUDENT (PERPETRATOR) TO A DIFFERENT SCHOOL FROM THAT WHERE THE OFFENSE OCCURRED. ONLY THE SUPERINTENDENT/DESIGNEE MAY ASSIGN A STUDENT TO ANOTHER SCHOOL AFTER COMPLETION

OF THE MANDATORY REQUIREMENTS FOR EXPULSION ABEYANCE OR AFTER COMPLIANCE WITH THE BULLYING COMPLAINT PROCEDURES. SHOULD THE DISTRICT MAKE SUCH A REASSIGNMENT, TRANSPORTATION WILL BE PROVIDED BY THE DISTRICT. ALL "NO CONTACT ORDERS" ENTERED BY A COURT SHALL BE ENFORCED. TRANSPORTATION IS NOT PROVIDED BY THE DISTRICT WHEN THERE IS A COURT ORDER FOR NO CONTACT REQUIRING REASSIGNMENT OF THE STUDENT TO ANOTHER SCHOOL, UNLESS THERE IS TRANSPORTATION AVAILABLE AT NO ADDITIONAL COST TO **THE DISTRICT.**

RULES, PROCEDURES AND DEFINITIONS RELATED TO DISCIPLINARY ACTION, SUSPENSION AND EXPULSION ARE ORGANIZED INTO THE FOLLOWING SECTIONS IN THE POLICY:

SECTION I	Offenses Leading to and Procedures for Disciplinary Action and/or Suspension
SECTION II	Over the Counter Medication, Use, Possession, Sale, and/or Transmittal Leading to Suspension and Possible Expulsion
SECTION III	Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion (non-drug and non-substance abuse offenses)
SECTION IV	Other Offenses Leading to and Procedures for Suspension and Possible Expulsion
SECTION V	Mandatory Expulsion Offenses and Procedures
SECTION VI	Reporting to Law Enforcement Requirements
SECTION VII	Definitions

SECTION I: OFFENSES LEADING TO AND PROCEDURES FOR DISCIPLINARY ACTION AND/OR SUSPENSION

A. OFFENSES/UNACCEPTABLE BEHAVIOR

A student shall be subject to disciplinary action and/or placement in an assigned School Board approved program as deemed appropriate by the principal/designee when the student commits such acts deemed as “petty acts of misconduct” (i.e., acts which do not, directly or indirectly, pose a significant risk of serious injury) including, but not limited to the following:

- 1 Willfully disobeys
- 2 Openly defies authority of a member of the staff
- 3 Uses profane or obscene language
- 4 Repeatedly exhibits behavior that interferes with the teacher’s ability to communicate effectively
- 5 Commits petty theft
- 6 Is found to have intentionally made false accusations against a member of the school staff that could jeopardize the employee’s employment, professional reputation or certification
- 7 Has possession of drug paraphernalia

B. PROCEDURES FOR DISCIPLINARY ACTION OTHER THAN OUT OF SCHOOL SUSPENSION

For the commission of any of the above behaviors, principal or designee may implement any of the following disciplinary actions including, but not limited to:

- 1 Conference with the student and parent/guardian.
- 2 Counseling
- 3 Detention
- 4 In-school suspension
- 5 Saturday school
- 6 Alternative to suspension
- 7 Suspension from bus transportation but not from school
- 8 * Restorative Justice
- 9 * Civil Citation

* For the 2012-2013 school year, only the identified schools, as determined by the Superintendent, participating in a pilot program may use these disciplinary actions as alternatives to out of school suspension.

Where the use of any of these actions constitutes a change in placement for a student with a disability, the principal or designee must involve the IEP/504 Team in the placement determination.

C. PROCEDURES FOR SUSPENSIONS FROM SCHOOL AND SCHOOL ACTIVITIES

The principal or designee shall have the right to suspend a student from school and/or all school activities for a period of time up to ten (10) days. Students with disabilities (IDEA eligible and 504) cannot be suspended out of school

for more than 10 school days in a school year without providing a free and appropriate public education (FAPE). All out-of-school suspensions shall include a provision for schoolwork to be completed (FS 1003.01(5)(a)). School Board Policy 5.5 provides the provision for make-up work related to suspension.

The following procedures shall be followed for all disciplinary actions:

1. Student Conference/Hearing – Due Process

- a. The student shall be given an oral and/or written notice of the charge(s) against him/her, including the basis for the charge(s).
- b. If the student denies the charge(s), the student shall be given an explanation of the charges and an opportunity to respond.
- c. If a determination has been made that the student should be suspended, the principal/designee shall immediately attempt to contact the parent or guardian by phone and provide documentation of attempted notification.
- d. Notice of the suspension, using the district-approved suspension form, shall be sent within twenty-four (24) hours by certified mail or hand-delivered to the parent/guardian or to the student, if the student is age 18 or older and has been emancipated per Florida Statute, Section 743.015 or whose parent is unknown as per policy 5.1: Attendance.

2. Emergency Suspension

If, in the opinion of the principal/designee, there is justifiable reason to believe that a student conference/hearing prior to suspension is not feasible because the student's presence at school poses a continuing danger or an ongoing threat of disruption to the orderly conduct of school, then the principal/designee may immediately suspend the student and subsequently conduct a student conference/hearing within 72 hours of the student's removal. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

- 3. Suspension From School Board Transportation** The principal/designee shall have the right to suspend a student from bus transportation for recurring, unacceptable bus behavior. The suspension may be for a period of time up to ten consecutive school days. Any further exclusion from bus transportation beyond that described requires School Board approval. When determination has been made that the student will be suspended from bus transportation, the principal/designee shall immediately contact the parent or guardian and provide documentation of notification. In the case of a student with a disability where transportation is an IEP related service or 504 Plan accommodation for the student, suspension from the bus may constitute a change in placement and the student's IEP/504 Team will need to be involved if suspension from the bus will total more than ten (10) school days in the school year.

SECTION II: ~~OVER-THE-COUNTER~~ MEDICATIONS, USE, POSSESSION, SALE, AND/OR TRANSMITTAL LEADING TO SUSPENSION AND POSSIBLE EXPULSION

General Information:

- School Board Policy 6305, Administration of Medications/Treatments, provides the guidelines for the administration of medication and/or treatment for students receiving prescription and over the counter (OTC) medication.
- A new Authorization for Medication/Treatment Form must be completed and signed by the healthcare provider and parent for any medication(s), changes in dosage, or changes in current medication(s).
- As per Policy 6305, students with special health conditions, e.g., asthma, diabetes and hypersensitivity, regardless of grade, may carry medication on self only if approved by their physician and noted on the Medication/Treatment Authorization form.
- All other medications, including over-the-counter, must be transported by the parents/guardians. Therefore, students are prohibited from possessing any medication while on school grounds, except as indicated above.
- Students found to be in violation of School Board Policy 6305 shall be subject to the disciplinary action identified below.

A. Use and/or possession of unauthorized over the counter medications and sale or attempted sale, and/or transmittal of authorized or unauthorized over the counter medications is prohibited.

1. First Offense Procedures:

- a. The first time occurrence for the use and/or possession of over the counter medications and sale or attempted sale, and/or transmittal of authorized or unauthorized over the counter medications, shall be counted at any time during which the student is enrolled in a Broward County Public School. If the student has been suspended or expelled for a prior drug offense by any in-state or out-of-state public, private, charter or research school, then the disposition of this offense shall constitute a second offense and the procedures for second offenses shall apply.
- b. Upon committing the first offense, a student may be referred to the area substance abuse case manager who shall refer the student to an appropriate counseling program.

2. Second Offense Procedures:

- a. The student shall be suspended from the regular school program for one to two (1-2) days. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.
- b. The student may be referred to the area substance abuse counselor.

3. Third and Subsequent Offenses Procedures:

- a. The student shall be suspended for a ten (10) day out of school suspension. In the case of student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.
- b. The students shall be referred to the area substance abuse counselor.
- c. The incident shall be considered first offense under Section III (A) of this policy.

SECTION III: DRUG AND SUBSTANCE ABUSE OFFENSES LEADING TO SUSPENSION AND POSSIBLE EXPULSION OR MANDATORY EXPULSION

General Information:

- Each principal shall post, in a place readily seen by students, a notice stating that a student's locker or other storage area may be subject to search based upon reasonable suspicion of possession of prohibited, unauthorized, or illegal materials or substance and may also result in a search of person, possessions, locker and/or vehicle (Florida Statute 1006.09(9)).
- School personnel shall report to the principal/designee the suspected unlawful use, possession, transmittal, sale or attempted sale by a student of any drugs, over the counter or prescription substances, including any alcoholic beverage or inhalant, and shall be exempt from civil liability when making such reports.

~~A. USE, POSSESSION, OR BEING UNDER THE INFLUENCE OF MOOD-ALTERING SUBSTANCES, INCLUDING ALCOHOL AND ALCOHOLIC BEVERAGES IS PROHIBITED. IF THE MOOD ALTERING SUBSTANCE IS AN UNAUTHORIZED SUBSTANCE (AS DEFINED IN SECTION VII OF THE POLICY) AND THE CHARGE IS OF POSSESSION REFER TO SECTION III, PART B BELOW.~~

A. USE, POSSESSION, OR BEING UNDER THE INFLUENCE OF MOOD-ALTERING SUBSTANCES

Use, possession, or being under the influence of mood-altering substances, including alcohol and alcoholic beverages, is prohibited.

1. First Offense Procedures:

- a. The first time occurrence for the use, possession or being under the influence of mood-altering substances, including alcohol and alcoholic beverages, shall be counted at any time during which the student is enrolled in a Broward County Public School. If the student has been suspended or expelled for a prior drug offense by any in-

state or out-of-state public, private, charter or research school, then the disposition of this offense shall constitute a second offense and the procedures for second offenses shall apply.

b. The student shall be suspended from the regular school program for ten (10) days and referred to the area substance abuse case manager who shall refer the student to an appropriate counseling program. Up to seven (7) days of the suspension may be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the area substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the full ten (10) day suspension shall be imposed. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

2. Second Offense Procedures:

a. The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.

b. The student shall be placed in an expulsion abeyance program and the expulsion shall be held in abeyance if the student completes a state-certified drug/alcohol rehabilitation program or a treatment program with a certified addiction professional.

c. The student may return to the regular school program upon successful completion of the prescribed rehabilitation program. The area substance abuse case manager shall monitor/verify that the student has completed the program.

d. If the student fails to complete the state-certified drug/alcohol rehabilitation program, the full term of the expulsion shall be implemented.

3. Third and Subsequent Offenses Procedures:

a. The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.

b. The student shall be placed in an expulsion abeyance program for a period of one calendar year commencing with the date of the offense, with no Workback allowed and shall complete a state-certified drug/alcohol rehabilitation program. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

B. POSSESSION OF UNAUTHORIZED OR MOOD-ALTERING SUBSTANCES IS PROHIBITED

First Offense Procedures:

Starting with the 2010-11 school year:

1. Student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.
2. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense. Workback option is allowed as referenced in this Policy under SECTION V, B, -#6. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action

Second and Subsequent Offense Procedures:

1. Student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.
2. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with no Workback option allowed. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.
3. The student must complete a State Certified drug rehabilitation program

C. SALE, ATTEMPTED SALE, OR TRANSMITTAL: Sale, attempted sale, or transmittal of drugs or mood-altering substances, unauthorized substances, or other substances held out or represented to be drugs or mood-altering substances, including alcohol or alcoholic beverages is prohibited on a school campus or any school or School Board of Broward County sponsored event.

Procedures For Sale, Attempted Sale, Or Transmittal:

1. Student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.
2. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with no Workback allowed. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

SECTION IV: OTHER OFFENSES (NON-DRUG AND NON-SUBSTANCE ABUSE OFFENSES) LEADING TO AND PROCEDURES FOR SUSPENSION AND POSSIBLE EXPULSION

A. OFFENSES (AS DEFINED IN SECTION VII) A STUDENT SHALL BE SUSPENDED AND MAY BE RECOMMENDED FOR EXPULSION WHEN THE STUDENT:

1. Repeatedly commits a serious breach of conduct, including, but not limited to, willful disobedience and/or open defiance of authority or violations of Policy 5.9: Anti-Bullying
2. Commits an assault
3. Commits a battery
4. Commits or threatens to commit damage to property
5. Commits any act on campus or off campus that substantially disrupts the orderly conduct of the classroom or school activities
6. Commits grand theft
7. Possesses and/or displays or transmits a Class B weapon
8. Possesses, displays, transmits or handles laser pens/pointers and other laser devices in a manner that could potentially harm or injure another individual
9. Makes an internet/electronic transmission of a threat to do harm to person(s) on school grounds, or to school property, that results in a substantial disruption (See definition in Section VII) to the school climate
10. Conducts, recruits, or participates on campus in a formal or informal manner in order to foster youth gang activity. This activity may include, but is not limited to, an association or group of three or more persons who are gang related individually or collectively who engage in a pattern of youth or street gang activity and have a common name or common identifying clothing, jewelry, buttons, colors, signs, symbols or markings with the intent or purpose to threaten and/or present a danger to public order and safety
11. Transmits or distributes any video voyeurism or "sexting" information or images as defined in Section II, Definitions of the Code of Student Conduct, Policy 5.8
12. Commits other criminal actions, on school board property, or during school events or activities, not already set forth above in this policy including, but not limited to, when the student:
 - is found by a court to have committed a delinquent act which would be a felony, if committed by an adult;
 - has had an adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or
 - has been found guilty of a felony

13. Uses the school district's technology and/or software for any unauthorized purpose. The unauthorized use of a computer/technology, including, but not limited to, accessing or breaking in to restricted accounts or networks, creating, modifying or destroying files/records without permission, copying software, entering, distributing or printing unauthorized files/records, uploading to the internet, and/or sharing or distributing, offensive or inappropriate material, including video, and any other misuse or violation of the School Board of Broward County Technology-Acceptable Use Policy 5306, Section 6.

B. PROCEDURES FOR DISCIPLINARY ACTION IN LIEU OF EXPULSION

1. For offenses in this category which shall result in suspension, and may result in expulsion, the principal or designee, with the approval of the Area Superintendent, may offer the student an Alternative Probationary Contract in lieu of recommending expulsion. This contract shall allow the student to continue attending his/her current school under the terms of the probationary contract. If a student transfers to another school during the term of the probationary contract, the terms of the probationary contract will still apply.
2. If the student violates the Alternative Probationary Contract by committing another expellable offense, such violation shall result in a recommendation for expulsion to the School Board. **PROCEDURES FOR MANDATORY EXPULSION: See Section V of this policy.**
3. The principal may recommend to the appropriate Area Superintendent the administrative placement of a student in a disciplinary center for any offenses listed above which may have resulted in repeated disciplinary action. The recommendation, approved by the committee chaired by the Area Superintendent's designee, will include documentation of actions initiated by the home school to address the repeated offenses and will reflect referrals, interventions and outcomes. The length of such placement and conditions for return to a regular educational program, based on documented program progress, will be determined by a transition team composed of the home school representative(s) and the disciplinary center staff.
4. Instruments or tools which are defined as a weapon in this policy, Section VII, Definitions, may be brought by the student only if needed for class work and with the written request of a teacher, with a description of the instrument(s). The teacher must obtain prior written approval of the principal/designee. However, if such instrument is used as a weapon by the student during school activities or events or on School Board property, all penalties called for in this policy shall apply.

SECTION V: MANDATORY EXPULSION OFFENSES AND PROCEDURES

General Information:

- Students shall not be subject to mandatory suspension and expulsion proceedings when the principal determines that an instrument was used solely for the purpose of self-defense against an aggressor.
- A student shall not be subject to mandatory expulsion proceedings if it is determined that the student immediately* returned a firearm to the person who gave it to him/her, or if the student took a firearm to a staff member or was in the process of taking it to a staff member.

*The term "immediately" means without delay.

A. OFFENSES LEADING TO MANDATORY EXPULSION

Students found to have committed one of the following offenses will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, and will be referred to the criminal justice or juvenile justice system:

1. Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing, displaying, using, selling or transmitting a firearm at school.
2. Making a threat or false report, as defined by FS 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity, including:
 - a) Threats to throw, project, place, or discharge a destructive device with intent to do bodily harm to any person or with intent to damage any property of any person.
 - b) Making a false report, with intent to deceive, mislead, or otherwise misinform a person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive, or weapon of mass destruction.

3. In addition, students found to have committed the following offenses on school property, school sponsored transportation, or during a school sponsored activity, shall receive the most severe consequences provided in this policy which shall be mandatory suspension and expulsion, referral for appropriate counseling services, and may be referred for criminal prosecution to the local law enforcement agency and/or State Attorney's Office. These acts pose a serious threat to school safety, i.e., acts which directly or indirectly pose a significant risk of serious injury.

- a. Serious assault
- b. Arson or attempted arson
- c. Sexual battery (rape) or attempted sexual battery (rape)
- d. Possessing, displaying, using, selling or transmitting a Class A weapon
- e. Homicide
- f. Kidnapping or abduction
- g. Bringing, possessing, using or selling any explosive propellant or destructive device
- h. Robbery or attempted robbery.
- i. Armed robbery or attempted armed robbery
- j. Serious battery
- k. Battery on a School Board employee, sports official, or other specified officials as listed in FS 1006.07(g).
- l. Battery on a law enforcement officer, firefighter, emergency medical care provider, and others as listed in FS 784.07
- m. Found, by a court, to have committed an assault on specified officials, or School Board employees, or Sports Official (FS 784.081)
- o. Found, by a court, to have committed an assault on a law enforcement officer, fire fighter, emergency medical care provider, etc., (FS 784.07)
- p. Extortion
- q. Threatening to throw, project, place or discharge a destructive device with that may cause bodily harm to any person or with intent to damage any property of any person
- r. Making a false report concerning the placing or planting of any bomb, dynamite or other deadly explosive. (FS 784.081)

Note: When charged with acts listed in numbers 11 through 14 above the student shall be immediately removed from the classroom and placed in an alternative school setting pending disposition (Chapter 2009-53)

B. PROCEDURES FOR EXPULSION:

For those expellable offenses listed in this policy and for which a recommendation for expulsion has been made to the Area Superintendent, the following procedures shall be followed:

1. **SUSPENSION & PRE-EXPULSION PLACEMENT** Students shall be suspended immediately and a notice sent to the appropriate Area Superintendent. In the case of a student with a disability action by the IEP/504 Team is required where a change of placement will occur as a result of the suspension. The recommendation for expulsion shall be processed to final conclusion even though the student in question has withdrawn from the school system subsequent to the violation. Students who are being recommended for expulsion shall be given the opportunity to participate in a Pre-Expulsion Alternative Education Program for a period of time commencing with the end of the ten (10) day suspension.

While in the Pre-Expulsion Alternative Program and the subsequent Expulsion Abeyance Program, the student is not permitted on any regular school campus during this period of time. For non-disabled students, this placement can be executed with or without student or parent permission. Additionally, this placement shall continue until such time the School Board approves a Final Order of Expulsion. In the case of a student with a disability, this would constitute a change in placement and would require action by the IEP/504 Team, including a determination of services that will be offered to a student during any expulsion period.

2. SUSPENSION & PRE-EXPULSION PLACEMENT, Special Circumstances and Interim Alternative Educational Setting (IAES) for students with disabilities (IDEA and 504 eligible)

School personnel may remove a student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- a. carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district.
- b. knowingly possesses, transmits, uses, sells or solicits the sale of illegal drugs/controlled substances while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.
- c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.

3. PRE-EXPULSION CONFERENCE

The Area Superintendent/designee will investigate the alleged offense and provide an opportunity for a Pre-Expulsion Conference with the student and the parent/guardian. During this conference, the Area Superintendent/designee shall inform the parent/guardian and student of the expulsion charges and the expulsion procedures, including the right to a formal hearing, as well as their right to be assisted by anyone they choose at their own expense. Additionally, the parent/guardian will be informed that they have the right to call and question witnesses. In the case of a student with a disability, any change in placement would require action by the IEP/504 Team.

4. EXPULSION HEARING

If a hearing is requested, either the parent/guardian or student must make the request in writing and submit it to the Area Superintendent. The Area Superintendent/designee shall schedule the hearing and the Superintendent of Schools shall appoint an impartial Hearing Officer on behalf of the School Board who is not an administrator from the school at issue.

At the conclusion of the hearing, the Hearing Officer shall submit his/her recommended order. The hearing officer's recommended order, with documentary evidence, shall be placed on the next regular School Board agenda. The School Board shall act on the recommended order or, in the case of a student with a disability shall make a recommendation and refer the matter to the IEP/504 Team for appropriate action, including a placement determination. The School Board may reject the hearing officer's findings of fact only if it is determined that there is no substantial competent evidence to support the facts. The School Board may reject the conclusions of law only if it is determined that this policy was misinterpreted or not applied correctly. The School Board may reduce or increase the penalty only upon a review of the complete record and must state with particularity its reasons by citing to the record to justify the action.

In the case of a student with a disability, the School Board shall make a recommendation and refer the matter to the IEP/504 Team for appropriate action, including a placement determination.

If the parent waives their right to a hearing, a request for the Final Order of Expulsion shall be forwarded by the appropriate Area Superintendent for approval by the School Board. In the case of a student with a disability, any change in placement that may occur as a result of these procedures must be made by the IEP/504 Team.

The School Board shall act on the recommended order or, in the case of a student with a disability shall make a recommendation and refer the matter to the IEP/504 Team for appropriate action, including a placement determination. The School Board may reject the hearing officer's finding of fact only if it is determined that there is no substantial competent evidence to support the facts. The School Board may reject the conclusions of law only if it is determined that this policy was not applied correctly.

If the parent waives their right to a hearing, a request for the Final Order of Expulsion shall be forwarded by the appropriate Area Superintendent for approval by the School Board. In the case of a student with a disability, any change in placement that may occur as a result of these procedures must be made by the IEP/504 Team.

5. EXPULSION/EXPULSION ABEYANCE

- a. The expulsion shall commence with the date of the School Board's Final Order or, in the case of student with a disability, the date established by the IEP/504 Team. However, the term of exclusion from the regular school

shall not exceed one calendar year from the date of the offense. However, the expulsion shall be held in abeyance and the student shall be given the opportunity to participate in an established Expulsion Abeyance Program. In the case of a student with a disability, movement to such a program would constitute a change in placement and would require action by the IEP/504 Team.

- b. If a student enrolls in an Expulsion Abeyance Program or in a program designated by the Superintendent and successfully completes the program, the expulsion shall be expunged from the student's official transcript. The area student services substance abuse/expulsion case manager will facilitate the student's re-entry into the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement will require action by the IEP/504 Team.
- c. The area student services case manager shall monitor/verify that the student has completed the expulsion abeyance or agreed upon program.
- d. Refusal or failure to meet conditions specified in the Expulsion Abeyance Agreement may result in the removal of the abeyance option and the student may be expelled from all programs and schools in the Broward County school system until the duration of the original expulsion has lapsed. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.
- e. The appropriate expulsion code shall be entered into the student's permanent record. This record shall be forwarded to any school requesting that record for the purpose of student admission.

6. WORKBACK

The Workback Program is designed to allow a student who has been recommended for expulsion to reduce the one-year period of expulsion by no more than ninety (90) school attendance days, except where otherwise indicated in this policy. Workback requirements are reviewed with the student by the area case manager and include specific responsibilities the student must comply with to be considered for Workback. However, students who commit the following offenses are **not** eligible for the Workback Program:

- a. Arson or attempted arson
- b. Sexual battery (rape) or attempted sexual battery (rape)
- c. Possession, use, sale, or transmittal of a firearm, **projectile device***, electric weapon or device, or flare gun
- d. Homicide
- e. Kidnapping or abduction
- f. Armed robbery or attempted armed robbery
- g. Second and subsequent offenses for possession or use of an unauthorized substance
- h. Third and subsequent offenses for use, or being under the influence of mood-altering substances, including alcohol and alcoholic beverages
- i. Sale/transmittal of mood-altering substances including alcohol and alcoholic beverages
- j. Sale or transmittal of unauthorized substances or the sale or transmittal of the student's own prescription medication.
- k. Battery on a School Board of Broward County employee.
- l. Battery on a law enforcement officer

***Elementary students, Grades K-5, (at the time of infraction) in possession of a projectile device on campus or any school-sponsored event, will be eligible for Workback.**

For all other offenses, the principal, with approval of the area superintendent, may recommend that student not participate in the Workback Program due to the circumstances of the expellable offense.

Upon successful completion of the Workback Program, the student shall transition back to the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement will require action by the IEP/504 Team.

7. OUT-OF-DISTRICT EXPULSIONS

Expulsion or dismissal of a student from any in-state or out-of-state public, private, charter or research school will be honored by the Broward County School Board if the act committed is one that would be grounds for expulsion under this policy.

If a student who has been expelled or dismissed from another district wishes admission, he/she shall be placed in an appropriate Expulsion Abeyance Program or a program designated by the Superintendent for a period of time commensurate with the terms of the original expulsion.

SECTION VI: REPORTING REQUIREMENTS

- A. Disciplinary infractions shall be reported to the state in accordance with School Environmental Safety Reporting (SESIR) requirements through the approved reporting tool provided by the School Board.
- B. All SESIR incidents, with the exception of petty offenses as listed in Section I and as defined in Section VII, shall be reported to the School Board's Special Investigative Unit (SIU) and the appropriate Law Enforcement Agencies.
- C. Students found to have committed one of the following offenses must be referred to the criminal justice or juvenile justice system:
 - 1. Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing, displaying, using, selling or transmitting a firearm at school.
 - 2. Making a threat or false report, as defined by FS 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity, including:
 - a. Threats to throw, project, place, or discharge a destructive device with intent to do bodily harm to any person or with intent to damage any property of any person.
 - b. Making a false report, with intent to deceive, mislead, or otherwise misinform a person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive, or weapon of mass destruction.
- D. Petty offenses as defined in Section VII should not be reported to Law Enforcement Agencies or SIU.

SECTION VII: DEFINITIONS

- A. Serious assault. An assault in which a Class A or Class B weapon is used to commit the assault.
- B. Serious battery. Committing battery using a Class A or Class B weapon or causing serious injury.
- C. Assault. An intentional threat by words or action to do harm to another person, coupled with apparent ability to carry out the threat, and/or committing an act that creates a well-founded fear in such person that such violence is imminent.
- D. Battery. An intentional touching or striking another person without their consent or against their will or causing bodily injury to another person. In the case of "battery on a School Board employee" or "Law Enforcement Officer" under Section V, Sub-Section B, there must be evidence of *an unprovoked, deliberate act* with intent to cause physical harm to the person.
- E. Injury.
 - Minor Injury:** An injury which solely requires immediate first aid.
 - Serious Injury:** An injury which requires treatment by professional medical personnel.
- F. Change in Placement. For a student with a disability, any disciplinary removal for more than ten (10) consecutive school days or for more than ten (10) days cumulatively in a school year.
- G. Days. Days shall be construed to be school days (as determined by the applicable school calendar) whenever mentioned in this policy.
- H. Grand theft. Taking property worth \$300 or more.
- I. Mood-Altering Substance. Any substance that is or may be detrimental to the user or to others

Examples of mood-altering substances may include, but are not limited to:

1. Alcohol or alcoholic beverages
2. Cocaine
3. Marijuana (less than 20 grams)
4. Hallucinogens
5. Inhalants
6. Narcotics, which include hydrocodone and oxycodone
7. Stimulants, which include Ritalin, Adderal, and Ecstasy
8. Depressants, which include Xanax and benzoids
9. Steroids

- J. Petty Offenses or Petty Acts of Misconduct. IN addition to those listed in Section I. A., petty offenses are limited to acts that solely constitute violations of School Board policies, infractions or misdemeanors which do not involve bodily harm, including, but not limited to, minor fights or disturbances, disorderly conduct, disrupting a school function, assault without the use of a weapon, battery without serious bodily injury, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. Further examples can be found in the Code of Student Conduct, Policy 5.8.
- K. Petty theft. Taking property worth less than \$300.
- L. Possession. Knowing, intentional, deliberate or inadvertent control of any article, object, asset or property.
- M. Self-defense. An attempt to "ward off" an attack, not to accelerate or retaliate, but to stop the process of confrontation and not to become an aggressor in the process of the confrontation.
- N. Substantial Disruption. An incident which results in the temporary suspension of the educational process due to a school evacuation, interference with learning activities/educational process, and/or requires the intervention of outside agencies such as the police or fire department.
- O. Transmittal. The transfer of an object, thing, electronic message or image, or substance from one person to another. Transmittal does not occur when the person immediately returns the item back to the person who gave it to them or if it is immediately delivered to a teacher or school administrator. **(The term "immediately" means without delay.)**
- P. Unauthorized Substances shall include:
- a. Any substances deemed to be illegal under Chapter 893, or mood-altering substances.
 - b. Any prescription drugs (not prescribed for the student who is in possession of the medication) and any medication not authorized as part of Policy 6305.
- Q. Violent Behavior. Behavior using physical force that causes damage or injury or violates or abuses another person or property.
- Disruptive Behavior. Behavior that causes confusion or disorder or interrupts, interferes, or impedes normal classroom or school activities.
- R. Weapons. For this policy, weapons are defined in two categories, Class "A" or Class "B." An object which can be defined as a Class "A" weapon pursuant to this policy shall be conclusively determined to be a Class "A" weapon and further classifications shall not be considered.

Class "A" weapons include:

- a. Firearms –including, but not limited to, hand gun, zip gun, pistol, rifle, shotgun, and starter gun (operable or inoperable, loaded or unloaded).
- b. Projectile Devices-including, but not limited to: BB guns, pellet (hard or soft) guns, paint ball guns, slingshots.
- c. Explosive propellants or destructive devices **(operable or inoperable)**.
- d. Dirks

- e. Metallic/Brass knuckles
- f. Billie clubs
- g. Tear gas
- h. Electric weapon or device (stun/Taser gun)
- i. Slingshot
- j. Chemical weapon or device
- k. Flare gun

Class "B" weapons include:

- a. Toy gun possession
- b. Toys which resemble weapons, when used in a threatening manner
- c. Knives – any kind of knife, including, but not limited to, pen, switchblade or hunting knife
- d. Chains – any chain not being used for the purpose for which it was normally intended, capable of harming an individual
- e. Pipe – any length of metal or other hard substance not being used for the purpose for which it was normally intended
- f. Razor blades of any kind or similar instruments with a sharp cutting edge
- g. Ice picks and other pointed instruments.
- h. Nunchakus, Chinese stars
- i. Pepper spray, Mace device with capacity to hold two ounces or less of the chemical
- j. Any tool or instrument when used in a threatening manner including, but not limited to bullets, shot gun shells, bullet shell casings, magazines or clips.

Authority: 1001.41

Laws Implemented: 1006.09, 1006.13, Fla. Stat.

Rule Adopted: 8/2/73 and re-adopted 9/5/74

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